

May 12, 2010

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TOWN OF NEW WINDSOR

PLANNING BOARD

MAY 12, 2010

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
NEIL SCHLESINGER
HENRY VAN LEEUWEN
HOWARD BROWN
DANIEL GALLAGHER

ALTERNATE: HENRY SCHEIBLE
HARRY FERGUSON

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

JENNIFER GALLAGHER
BUILDING INSPECTOR

NICOLE JULIAN
PLANNING BOARD SECRETARY

DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

REGULAR MEETING

MR. ARGENIO: I'd like to call to order the May 12, 2010 meeting of the New Windsor Planning Board. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiances was recited.)

APPROVAL_OF_MINUTES_DATED_4/14/10

MR. ARGENIO: Approval of the minutes dated April 14, 2010 and sent out via e-mail on the 20th of April, 2010, I'll accept a motion we adopt them as written.

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion's been made and seconded. Roll call.

ROLL CALL

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| MR. BROWN | AYE |
| MR. GALLAGHER | AYE |
| MR. VAN LEEUWEN | AYE |
| MR. ARGENIO | AYE |

ANNUAL_MOBILE_HOME_PARK_REVIEW:

JHCS_MOBILE_HOME_PARK

MR. ARGENIO: Second item is the annual mobile home park review is JHCS Mobile Home Park and they called in and cancelled for some reason so hopefully, they'll reschedule. When is their expiration date, do you know?

MS. JULIAN: I did not look but I will, they're on for the next meeting.

MR. ARGENIO: They're on for the next meeting. Jen, you guys been down there?

MS. GALLAGHER: Yes.

MR. ARGENIO: How are they?

MS. GALLAGHER: Fine.

MR. ARGENIO: We'll wait till they come next time.

REGULAR_ITEMS:

IRISH_EYES_DECK_SITE_PLAN_(10-15)

MR. ARGENIO: Irish Eyes deck site plan. The plan proposes a 600 plus or minus square foot deck on the south side of the existing restaurant building. Plans were reviewed on a concept basis only. Jane, you can come forward, stand with Marshall, you're certainly better looking than he is.

Mr. Marshall Rosenblum and Ms. Jane Sabini appeared before the board for this proposal.

MR. ROSENBLUM: This is a deck--

MR. ARGENIO: Oh, look who's joining us, let the record reflect, Miss Stenographer, that Neil has currently entered the room. Marshall, this is a deck?

MR. ROSENBLUM: Yes, sir.

MR. ARGENIO: It's not a 20,000 square foot office building?

MR. ROSENBLUM: Not today.

MR. ARGENIO: Please give us your pitch, tell us what you want to do.

MR. ROSENBLUM: What we'd like to do is to put a 600 square foot deck adjacent to the Irish Eyes restaurant for outdoor dining weather permitting.

MR. ARGENIO: Is it lit?

MR. ROSENBLUM: Pardon?

MR. ARGENIO: Is it lit?

MR. ROSENBLUM: There's a cutoff luminare for minimum lighting level not mounted on the building.

MR. ARGENIO: Alright.

MR. ROSENBLUM: The deck is at the floor level of the Irish Eyes building, for those who may not be familiar, Irish Eyes is located next to Toyota of Newburgh across from Lafayette Drive at the rear on 9W. There's a commercial building to the north, Toyota to the south and a couple residences behind. The land slopes down toward the rear, the parking would remain as it is, that's why I passed out these small parking plans. Right now, there are 50 seats on the inside, we're looking for an alternate of 34 additional seats on the outside. The functional equivalent of not being utilized during the cold weather, some of the seats would be opened up to allow for the access directly from the interior to the deck, the ramp or walkway to the front is an emergency egress only and if you recall, the land sloping off it essentially is a very shallow slope ramp leading to the blacktop. Everything else would remain as is. The deck is supported from the building on concrete piers, it would be fabricated out of Trex.

MR. ARGENIO: Mark, any issue with the cafe license because of the outdoor seating? Does that come into play at all or Dominic?

MR. EDSALL: No, again, subject to being corrected by either Miss Sabini or from counsel, my experience on other site plans where this was proposed was that the ADC regulations require that you have approval to do that outside but that once the town grants the approval for the cafe style outside seating then it's acceptable.

MR. ARGENIO: And the parking count is okay?

MR. EDSALL: The parking count I just checked Marshall's layout plan, the 23 that he says are on the existing site from the site plan in fact are demonstrated on this 8 1/2 by 11, the one to the right in front of the building is the handicapped spot.

MR. ARGENIO: There's not a lot to do so I'm going to move right along, if my contemporaries have any questions, please chime in. I don't want to steal Neil's thunder but on page 2 the third bullet Marshall what's your intent or Jane what's your intent to do with, to handle the methodology of which you'll handle your dumpster or the dumpster enclosure?

MS. SABINI: He was going to push, the dumpsters can be relocated.

MR. ARGENIO: Where are they now, Jane?

MS. SABINI: The dumpsters are right about here but the property goes to about here so I could scoot them down this way.

MR. ROSENBLUM: Actually, the dumpsters are shown here now the edge of the blacktop is essentially over here near the stair so they would be rolled approximately 20 feet to the east. There's no enclosure right now.

MS. SABINI: One dumpster and one grease dumpster so I could certainly put screening up in front of it, plants.

MR. ARGENIO: Yeah, the standard in the town that we have really tried to stick to is to try to get something around these things and we typically don't go wild with what it is, I mean, a stockade fence is sometimes okay. Sometimes if a person's building a split face block building wall is a match to the building, it would seem to me that some type of stockade fence structure or something with a gate on it

would probably be okay. Do you guys agree?

MR. ROSENBLUM: We can do that.

MR. ARGENIO: Anybody else have any thoughts?

MS. SABINI: There's nothing on it now, now it's just bare.

MR. ARGENIO: Can you do that, Jane, is that a big issue?

MS. SABINI: No, if you want me to do that.

MR. ARGENIO: Consider that.

MS. SABINI: Okay.

MR. VAN LEEUWEN: Is there going to be a roof?

MS. SABINI: The deck, no, down the road I might put a retractable awning, it has a proposed 34 seats weather permitting.

MR. ARGENIO: You're trying to compete with the river?

MS. SABINI: Trying to keep some of my customers.

MR. ARGENIO: Danny, anything?

MR. GALLAGHER: No.

MR. VAN LEEUWEN: No.

MR. ARGENIO: It's very simple.

MR. VAN LEEUWEN: As long as we have enough parking.

MS. SABINI: We haven't lost any spots with the deck.

MR. ARGENIO: Down on Lafayette Drive we have residences, is that correct?

MR. ROSENBLUM: Yes.

MS. SABINI: There's houses behind Irish Eyes on Lafayette, four homes.

MR. ARGENIO: Let me just poll the board.

MR. BROWN: I just have one quick question. Is this strictly for eating or entertainment in the future?

MS. SABINI: I wasn't going to put any live music out there because of the fact that there's residences behind us so if I got a band I would keep it inside the restaurant and use it just strictly for eating and drinking.

MR. ARGENIO: My thought is and keep in mind guys this needs to go to county because of its proximity to 9W, but my initial thought is and I will poll the room is that the need for a public hearing certainly will not slow her down at all. But there's residences in the back and I think in my opinion I think we'd be foolish not to go down that road, I think at least. Danny, you got any thoughts?

MR. GALLAGHER: I agree.

MR. ARGENIO: How but you guys?

MR. BROWN: Yes, I agree.

MR. SCHLESINGER: Yes, I agree.

MR. VAN LEEUWEN: I agree too.

MR. ARGENIO: Accept a motion that we--

MR. GALLAGHER: So moved.

MR. ARGENIO: I don't dispute it Henry but as I said, it won't slow her down at all and you just never know and the expense there is absolutely minimal, it's some envelopes probably under \$25, not a big deal. And we'll be seeing her again and as I said earlier, certainly nothing bad to look at here, Marshall's well dressed, Jane is attractive so not a bad thing.

MS. SABINI: Even with the fact that I wouldn't put entertainment do you think I'd still need a public hearing?

MR. ARGENIO: Yes, Jane and here's why because you're approximate to the residences and we have an obligation to the people of this town just like yours, you're a person with a business in this town and if there's some compelling other issue going on there they'll need to tell us about it. But what we typically, what would not be a good viable reason for us to go in the wrong direction would be if somebody showed up and said well, I don't want it because it's a bar and it might be loud. Well, guess what, you live next to a bar and it is what it is. And maybe there will be some type of we may want to consider some type of thing where there's a timeframe installed upon it and at the end of the day the reality of it is if Jen's office, the building inspector's office doesn't get any complaints there's typically no issue. It's like if a tree falls in the forest and nobody's there to hear it does it make a sound?

MS. SABINI: What would the turnaround time be because time is an issue because it's seasonal?

MR. ARGENIO: As I said, it will not cost you any time. By law, we have to submit to the county by statute.

MS. SABINI: I think we already have.

MR. ARGENIO: And that's great, so we can schedule this as long as you do your due diligence we'll schedule it for the next meeting and as I said, there's not a lot going on. This is very, very simple thing.

MR. VAN LEEUWEN: If somebody does complain it never came to the public hearing we can say why didn't you come to the public hearing.

MR. ARGENIO: They can never say nobody told me, never say nobody told me.

MR. VAN LEEUWEN: It's actually for your protection.

MR. ARGENIO: Nobody can ever say nobody told me.

MS. SABINI: Okay.

MR. ARGENIO: I'll have a motion to that effect.

MR. SCHLESINGER: Motion that we schedule a public hearing.

MR. VAN LEEUWEN: Second it.

ROLL CALL

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|-----------------|-----|
| MR. BROWN | AYE |
| MR. GALLAGHER | AYE |
| MR. VAN LEEUWEN | AYE |
| MR. SCHLESINGER | AYE |
| MR. ARGENIO | AYE |

MR. ARGENIO: I'm not going to go into technical comments. Marshall, you can take care of them. Mark, what else do we need to get into here, as a matter of fact, this went to county, yes?

MR. EDSALL: It went to county on the 27th I believe

you could for purposes of initiating SEQRA assume lead agency cause there are no other issues.

MR. ARGENIO: Before we hear from county?

MR. EDSALL: You can't take action but--

MR. ARGENIO: I'll accept a motion.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare itself lead agency for the Sabini Irish Eyes site plan. Roll call.

ROLL CALL

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| MR. BROWN | AYE |
| MR. GALLAGHER | AYE |
| MR. VAN LEEUWEN | AYE |
| MR. SCHLESINGER | AYE |
| MR. ARGENIO | AYE |

MR. ARGENIO: Do your thing, Jane, get to Nicole, we'll put you on the next agenda, it's not a big deal.

MS. SABINI: What would the cutoff be for the next meeting by Monday?

MS. JULIAN: I don't have enough time to mail out your envelopes for next one so it would have to be the beginning of June.

MR. CORDISCO: We have one meeting in June.

MR. ARGENIO: Wait a second. When is that meeting?

MR. EDSALL: The 16th.

MR. ARGENIO: And today is what?

MR. EDSALL: The 12th.

MS. JULIAN: I don't have time to put it on the May 26 which is the next.

MR. ARGENIO: I understand first meeting in June is what I'm talking about.

MS. JULIAN: Yes.

MS. SABINI: So I won't be back for another month?

MR. ARGENIO: Yes. Thank you.

MEMBERSHIP_MODEL_CAR_CLUB_(YANNONE)_(10-09)

MR. ARGENIO: Next item on tonight's agenda Membership Model Car Club represented by Mr. Yannone for Mr. Yannone. The application proposes a 3,365 square foot addition to the existing garage on the site. The plan was previously reviewed at the 24 March, 2010 planning board meeting. As I remember, there was some technical issues Raymond and the there were some things you needed to clean up on the plan because they weren't clear. Do I have a set of plans? They're here somewhere.

MR. R. YANNONE: What we did was separated the existing structures which is the first page of the plan so it's easier to identify what's on the property now. And I highlighted on mine the various canopies, I lighted on this plan the various canopies, buildings, storage structures that are going to be removed. The propane tank's already been removed from the property and there's approximately 3,300 square feet, exactly 3,336 square feet of structures that were removing and the addition that we're proposing is going to be 3,634 square feet. We cleaned up some of the site issues, we went back to the workshop.

MR. ARGENIO: We have reviewed the revised plan and all prior comments appear to have been addressed. The board requires or needs additional--go ahead, Ray.

MR. R. YANNONE: So going back to our requirements, we're required to have 20 parking spaces. We do have 23, that exclude the storage areas in the rear of the building and on the south side of the property. We meet the bulk tables, the lot area, the setbacks for maintaining the existing setbacks on the side yard. As we said at the last meeting, we're jogging the building in a little bit so there will be access from the shop area to the rear yard without passing through the model car club. The buildings will be or appear to be a

common building when we're done we're going to have a unified facade, the roof lines are going to match and we're going to have a center entrance. What we have now the office in the corner here, you walk into the center of the building through a common foyer, there will be a reception area for either the shop on one side or the car club on other side and an office behind that. So it will be a completely separated shop and the retail or the car club area.

MR. VAN LEEUWEN: Are you going to do cars over?

MR. R. YANNONE: It's a slot car track moving from Five Corners, it's existing now in Five Corners.

MR. ARGENIO: Where is it now?

MR. R. YANNONE: In the John J. Lease building.

MR. SCHLESINGER: Ray, can I ask you a question? All these building are going to be re-roofed?

MR. R. YANNONE: Yes.

MR. SCHLESINGER: There's one existing concrete block garage to remain?

MR. R. YANNONE: This is going to be, going to be an addition to that structure.

MR. SCHLESINGER: Is that addition shown on, is it part of the building to remain?

MR. R. YANNONE: It's shown this becomes one building when I'm done, page 2, I'm sorry, yes, page 1 shows you the existing, page 2 shows us what we're building.

MR. ARGENIO: If you remember, Neil, what we had asked for was clarity on what was going to be removed and what was going to stay.

MR. SCHLESINGER: So you're going to have an L-shaped building?

MR. R. YANNONE: Just it's not going to be a right angle but we're going to have a little bulk up in the center so it should look really nice.

MR. ARGENIO: How many feet is the whole thing?

MR. R. YANNONE: Just over 4,900.

MR. ARGENIO: We talked about that.

MR. R. YANNONE: It's 4,980.

MR. ARGENIO: Do you guys recall Mark or somebody I thought we waived the public hearing for this because there's just not--

MR. EDSALL: I didn't have a record of that.

MR. ARGENIO: Do you recall?

MR. EDSALL: I don't have it down, I know you discussed it.

MR. VAN LEEUWEN: Who's in there now?

MR. R. YANNONE: Vinny has his repair shop there and as I said, we're moving, he wants to move out of Vails Gate, have everything consolidated in one location and all the outbuildings that you see now there including the canopy, there's no more gas, that's all going to be gone so it will be a nice clean facade.

MR. ARGENIO: I think you're paving the place too?

MR. R. YANNONE: That's correct, yes.

MR. V. YANNONE: Well, this here is gravel now, it's going to be paved in here.

MR. VAN LEEUWEN: It's the old gas station?

MR. R. YANNONE: Yes.

MR. ARGENIO: You weren't here but the Supervisor was here, he said as long as you're still going to fix the cop cars he's in favor of it. Not that that has a lot to do with us. What about this public hearing?

MS. JULIAN: You did not waive it.

MR. ARGENIO: Danny, you got a thought on this?

MR. GALLAGHER: There's no residences close by? There's Sportsplex.

MR. ARGENIO: Two-lane highway. And there's no substantial impact on people or outdoor people, there's no substantial additional pavement, it's next to Sportsplex.

MR. GALLAGHER: What's behind?

MR. V. YANNONE: Trailer park.

MR. R. YANNONE: We're removing especially in the back of the building now it's going to be nice, clean, we're getting rid of a lot of stuff.

MR. VAN LEEUWEN: You're cleaning it up.

MR. ARGENIO: Henry?

MR. VAN LEEUWEN: I have no problem, I don't see why we have to have a public hearing.

MR. ARGENIO: You guys?

MR. VAN LEEUWEN: Only thing is you have a trailer park they're going to scream anyway.

MR. ARGENIO: What's there to scream about? That's my point.

MR. VAN LEEUWEN: There's nothing.

MR. GALLAGHER: We're in the same position as Irish Eyes, we have to go to Orange County.

MR. R. YANNONE: We did.

MR. ARGENIO: They did and the way I discern the difference in my mind is that the residents for Irish Eyes are right next door and that's a, that's a bar and it's an outside thing. I think that it's important to reach out. You guys?

MR. SCHLESINGER: Anybody who lives there is going to be looking at a nicer site, it's not anything more that's going to be creating a nuisance.

MR. VAN LEEUWEN: He's cleaning it up, that's the part I like.

MR. R. YANNONE: Actually, repairs going on in this rear area now which obviously won't be taking place once this is gone, snowmobile shop is here and they're actually doing repairs right against there which won't happen anymore.

MR. ARGENIO: Howard?

MR. BROWN: I think it will be a quieter situation after it's done.

MR. ARGENIO: Danny, have you had an opportunity?

MR. GALLAGHER: Not going any higher with the building?

MR. R. YANNONE: We're going to change the roof line, we're going to bump up the center a little bit and probably going to do a mansard across the front to give it a common facade and/or pitch roof of some type but the eaves height won't change, just change the roof style, give it more of a modern look.

MR. VAN LEEUWEN: Flat roofs are a pain.

MR. ARGENIO: Accept a motion we waive the public hearing.

MR. VAN LEEUWEN: So moved

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded we waive the public hearing for Yannone site plan on Route 9W.

ROLL CALL

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| MR. BROWN | AYE |
| MR. GALLAGHER | AYE |
| MR. VAN LEEUWEN | AYE |
| MR. SCHLESINGER | AYE |
| MR. ARGENIO | AYE |

MR. ARGENIO: The note here on page 2 says unless you guys have a more updated version I tend to have outdated information, a response is pending for Orange County and in the last 48 hours we did hear from them and they say local determination.

MR. EDSALL: That's correct.

MR. ARGENIO: As such, if anybody sees fit to declare negative dec.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded we declare negative dec for the Yannone site plan on Route 9W.

ROLL CALL

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| MR. BROWN | AYE |
| MR. GALLAGHER | AYE |
| MR. VAN LEEUWEN | AYE |
| MR. SCHLESINGER | AYE |
| MR. ARGENIO | AYE |

MR. ARGENIO: Anything else with this? There are again two consecutive simple applications which is just what I look at especially when Neil's trying to rush home to watch American Idol.

MR. EDSALL: Mr. Chairman, if I can add one comment to the number 2, we have plans that come back and back and back because they don't address the comments. I just want to give credit where credit's due, they took the comments and they worked with me at the workshop and the reason why after the second appearance they're ready is because they paid attention and I just appreciate it.

MR. ARGENIO: I don't see anything else with this, I don't. There's a couple of subject-tos here in Mark's comments, you know, unless anybody has anything of substance, I'll accept a motion that we offer them final and I'll do the subject-tos.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion's been made and seconded we offer Yannone site plan Membership Model Car Club on 9W final approval subject to the notes in Mark's comments. I'll have a roll call.

ROLL CALL

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| MR. BROWN | AYE |
| MR. GALLAGHER | AYE |
| MR. VAN LEEUWEN | AYE |
| MR. SCHLESINGER | AYE |
| MR. ARGENIO | AYE |

LANDS_OF_GARY_&_JANET_VAN_VOORHIS_AND_DARRELL_GOLDSMITH

(10-02)

MR. ARGENIO: Next lands of Gary and Janet Vanvoorhis I see Mr. Doce is here to represent them. Application proposes the subdivision of the 2.23 acre parcel into two residential lots. The plan was previously reviewed at the 24 February, 2010 planning board meeting. Alright, Mr. Doce, tell us what you've done. As I remember, you were referred to zoning, is that correct?

MR. DOCE: That's correct. My name is Vince Doce, I have an engineering and surveying business located in the Town of Newburgh. And I'm here this evening to represent Gary and Van Voorhis and Darrell Goldsmith on their request for a two lot subdivision located on the end of Steele Road. When we appeared before the planning board the first time, we had a one acre lot here that was reconfigured to go across the entire back side of the orange colored portion of the lot and the only reason to include this area in here was to accommodate zoning. The board understood why we had done that and suggested that we go to the ZBA and request an area variance to accommodate an 8/10 of an acre lot there. We also had to get a variance for the frontage.

MR. ARGENIO: For the benefit of anybody who wasn't here, they had some funky zigzag lines drawn in there in an attempt to meet zoning and what we suggested, again, I don't remember if anybody was absent, was you're going there anyway to do this thing right, make the appropriate lot shapes, clean it up, let's get it right once. I didn't mean to interrupt you, Mr. Doce.

MR. DOCE: That's what we did, we received the variance for both size of the lot and we received a variance from frontage along lot 1 and minimum setback variance for the 30 foot throat there. We also received a variance for a minimum front yard on the orange colored

lot because it's of a little bit odd configuration. All the variances were granted and we had a public hearing. And we're here this evening to ask to continue on.

MR. ARGENIO: Two single family lots?

MR. DOCE: Two single family lots.

MR. ARGENIO: Where is the driveway?

MR. VAN LEEUWEN: Right here.

MR. SCHLESINGER: The driveway, where is the top of this line, the property line? I see it, where is the road?

MR. DOCE: This is the property line, this is the road line of Steele Road.

MR. ARGENIO: Whose property is the driveway on?

MR. DOCE: The driveway is on this portion, it interfaces with the cul-de-sac on town property.

MR. ARGENIO: So it's town property there?

MR. DOCE: Well, as you know, any driveway when it leaves the ownership it crosses town property till it gets to the pavement, same thing here.

MR. VAN LEEUWEN: You mean the 10 foot?

MR. DOCE: Yeah, from here to here it's on town property.

MR. VAN LEEUWEN: It's usually 10 foot.

MR. DOCE: This happens to be a little bit more, it's probably 20 feet.

MR. ARGENIO: Let me ask this question as a knock off of what Neil just said. What about the driveway that's on the, for the other lot that's on the other guy's property, Mr. Geraci's property, the blue lot.

MR. DOCE: This one here?

MR. ARGENIO: Yeah.

MR. DOCE: That has about maybe 15 feet before it gets there it's from the street line to the pavement.

MR. ARGENIO: That's not what I'm talking about. What I'm talking about is this area here you're on the other guy's property, are you not? Am I not reading this correctly?

MR. DOCE: There's a common driveway in there shared by these two parcels.

MR. ARGENIO: Okay, I understand, got it, that makes sense.

MR. EDSALL: Mr. Chairman, on my initial comments, we had inquired as to the use of that 30 foot strip and raised the issue if it was an existing functionally existing drive, private road, the blue lot, the 30 foot strip going out actually severs as an existing private road cause there's more than one user. This application does nothing to change that whatsoever, they're proposing a new driveway directly from the town road, otherwise we'd have an issue but we don't.

MR. ARGENIO: Got it. Does that answer your question?

MR. SCHLESINGER: It's a shared driveway, it can't be a shared driveway.

MR. EDSALL: Technically, it's a non-conforming,

existing private road.

MR. SCHLESINGER: Okay, and it's not private anymore, it's owned by that person that owns the lot now?

MR. EDSALL: Well, it's owned by the lot owner, there appears to be a 30 foot easement which Vince could I'm sure say a lot clearer than I will but point is there's more than one user. But the fact that he's not modifying it means that we don't look at it any further.

MR. ARGENIO: I want to point the attention to the members to item number 2 in Mark's comments I have in my hand, I bet you want to know what I have in my hand?

MR. DOCE: I'm dying to know.

MR. ARGENIO: I have in my hand the minutes from the zoning board meeting where they had a public hearing, Julie Racine spoke, she said what type of dwelling is going to be built on this parcel? Question was asked and answered and her response was that's all, I just wanted to know what was going to go there. That's pretty much all she had to say, that's all she said. A Miss Pauline April at 75 Steele Road asked the question as well, where would the driveway enter she asked and the question again she asked it again where would 75 Steele Road be? Can you point that out? And Mr. Doce endeavored to point that out to her. And her response was how far back from the road is the house going to be and Mr. Doce answered that. And her last comment was okay, thank you. Miss Davis also asked a question, she said I would like to, and this is, this is a quote, I would like to ask if the other end of Steele Road will be opened close to and Mr. Doce endeavored to point out where her property was and Mrs. Davis said yes or yeah and Mr. Doce said the road won't be extended, we're doing nothing to the road at all and Miss Davis said okay, thank you. And that's the extent of the

comments.

MR. VAN LEEUWEN: I read it.

MR. ARGENIO: So I don't make a habit of doing this but when the comments are so few I don't see the sense in jamming this board's time up and causing the applicant any additional expense.

MR. VAN LEEUWEN: I make a motion we waive public hearing.

MR. ARGENIO: Anybody second that?

MR. BROWN: I'll second that.

MR. ARGENIO: Motion has been made and seconded we waive the public hearing on the Gary and Janet Van Voorhis and Darrell Goldsmith's subdivision.

ROLL CALL

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| MR. BROWN | AYE |
| MR. GALLAGHER | AYE |
| MR. VAN LEEUWEN | AYE |
| MR. SCHLESINGER | AYE |
| MR. ARGENIO | AYE |

MR. VAN LEEUWEN: What about SEQRA?

MR. ARGENIO: I'll get to that, just wanted to go a little slow in case anybody else has any questions. Motion we declare ourselves lead agency.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that we declare ourselves, we the planning board Town of New

Windsor declare ourselves lead agency under the SEQRA process. Roll call.

ROLL CALL

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|-----------------|-----|
| MR. BROWN | AYE |
| MR. GALLAGHER | AYE |
| MR. VAN LEEUWEN | AYE |
| MR. SCHLESINGER | AYE |
| MR. ARGENIO | AYE |

MR. ARGENIO: Declare negative dec I'll accept a motion.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded we declare a negative dec under the SEQRA process. Roll call.

ROLL CALL

| | |
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| MR. BROWN | AYE |
| MR. GALLAGHER | AYE |
| MR. VAN LEEUWEN | AYE |
| MR. SCHLESINGER | AYE |
| MR. ARGENIO | AYE |

MR. ARGENIO: Dominic or Mark, am I missing anything here? I haven't heard from Anthony, what are we going to do on that?

MR. EDSALL: Yeah, I looked at the plan and I as you indicated earlier, Mr. Chairman, they very clearly have a right to have access.

MR. ARGENIO: Absolutely.

MR. EDSALL: Usually on a cul-de-sac, the highway superintendent tries to have the driveway in a location where they maintain the ability to take snow and stockpile it somewhere. So at best, I think Anthony may have them shift slightly the location but I can't imagine there's any concern other than that.

MR. ARGENIO: Mr. Doce, are you okay with that if that turns out to be the case?

MR. DOCE: Yes.

MR. ARGENIO: Do you accept that you need to do whatever you need to do and compel your client to do whatever he needs to do to accommodate the town highway superintendent if this is to go any further? Do you accept that?

MR. DOCE: Yes.

MR. ARGENIO: I know the area, there's no real physical challenges there. I've played Santa Clause in the house across the street every Christmas for the past 12 years.

MR. EDSALL: And I bet you do a great job.

MR. ARGENIO: It's fun.

MR. EDSALL: Got a lot of pillows?

MR. VAN LEEUWEN: I make a motion for final.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion's been made and seconded we offer final approval to the VanVoorhis and Goldsmith minor subdivision.

MR. EDSALL: Adding the condition that they add the

bulk table correction.

MR. ARGENIO: That condition is added. And I also, I think I clearly annunciated this thing with Anthony Fayó and Mr. Doce has to agree with that.

MR. EDSALL: So two conditions.

MR. ARGENIO: Two conditions. Roll call.

ROLL CALL

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| MR. BROWN | AYE |
| MR. GALLAGHER | AYE |
| MR. VAN LEEUWEN | AYE |
| MR. SCHLESINGER | AYE |
| MR. ARGENIO | AYE |

MR. CORDISCO: Just so that the record is clear, that's both conditions, preliminary and final approval so the clock is ticking.

MR. ARGENIO: Yes.

CONTINENTAL_ORGANICS_SITE_PLAN_(10-16)

MR. ARGENIO: Last on tonight's agenda Continental Organic site plan. I can hardly wait to hear this, hydroponics farming. This application proposes a change from agricultural farm use to an agricultural hydroponics fish farm operation. The plan was reviewed on a concept basis only.

Mr. Thomas J. Endres, Sr. appeared before the board for this proposal.

MR. ENDRES: Thank you, ladies and gentlemen for your time.

MR. ARGENIO: You can stand back there, everybody has good hearing.

MR. ENDRES: Thank you for your time, I thank the county and the Town of New Windsor for their time, very helpful up to this point.

MR. ARGENIO: What's your name and who do you represent?

MR. ENDRES: Lieutenant Colonel Retired Thomas Endres, I'm a retired special operations test pilot, sounds a lot cooler than it really is. For the past 13 years, I have been a builder project manager for the State of New York and for the city and Department of Defense. I represent Continental Organics as the president and the C.E.O. is Michael Finnegan, he's over in Greece right now and sends his apology for not being able to be here.

MR. ARGENIO: Is he rescuing the economy over there?

MR. ENDRES: I hope so. Let me get oriented here. This is Mt. Airy Road, you can see it right there, you all can, this is the property we're talking about,

bottom line up front I have some more good news for you to make this go rapidly,

MR. ARGENIO: I'm not going to direct, let me say this, I'm not going to suggest that we digest your stuff here right now, I want you to make your proposal and tell us what you want to do and then we'll learn later on how to turn fish poop into something good. That will be something we'll need.

MR. ENDRES: I think you're going to enjoy this. Bottom line up front the project fits the current agricultural zoning, it's to be noted that the structures are not permanent, it's already been favorably received by IDA board business plan at the 21 April meeting. The anticipated full-time job creation is 116 employees, 30 to 50% of which will be veterans, it's a green project aiming at lead accreditation, we're working with it to preserve our farmland, it's organic products, we see no negative affects on health, safety and welfare of the community. It's a closed loop system, the water is recirculated, fish effluence is filtered and that nutrient filled fish water grows your produce. Twelve structures in total and all--

MR. ARGENIO: So you're growing produce in nutrient rich soil that's made nutrient rich by fish excrement?

MR. ENDRES: Nutrient rich water because you're filtering out the solids that actually becomes organic fertilizer which is a sellable item.

MR. ARGENIO: You're growing lettuce or whatever?

MR. ENDRES: Lettuce, tomato and cucumbers off of that very nutrient rich liquid. The solids are captured, trapped and bagged and sold as organic fertilizer. Because we're disabled vets and a veteran owned corporation, the government has to by law buy our products. We also have a letter of intent with Hunts

Point to buy our product already. So they're waiting for us to start growing.

MR. ARGENIO: And you represent the owners or are you a partner?

MR. ENDRES: I am the owner, myself and Mike Finnegan are the owners.

MR. ARGENIO: So you have another partner?

MR. ENDRES: Yes, myself and Mike Finnegan.

MR. ARGENIO: Huh, that's interesting.

MR. ENDRES: And we have been working on this for about two years out of pocket, lot of time, lot of effort, Cornell PHDs, lot of smart people those bioscience, high science stuff, it's pretty fascinating.

MR. ARGENIO: Henry, you keyed into this?

MR. KROLL: Yes.

MR. SCHLESINGER: How does the produce grow?

MR. ENDRES: Everything is indoors, this is done all over Canada, it's done in Minnesota, Michigan, there's 4,600 of these throughout the U.S. right now.

MR. ARGENIO: Are you involved in the other ones?

MR. ENDRES: No, this is our own private business, we studied them, we visited them.

MR. SCHLESINGER: You're changing, adjusting the same concept?

MR. ENDRES: Tuning up what already exists.

MR. SCHLESINGER: What does he do with the fish?

MR. ENDRES: We'll sell them to Hunts Point.

MR. SCHLESINGER: You raise the fish and you take advantage of the value of the water that's created?

MR. ENDRES: That's correct.

MR. SCHLESINGER: To grow organic vegetables so you make it on both ends.

MR. ENDRES: You're making it three ways because you feed the fish organic feed so your effluence becomes organic fertilizer and rich organic fertilizer for the produce, produce being the best biofilter in the world, trees and plants.

MR. ARGENIO: What kinds of fish?

MR. ENDRES: Talapia.

MR. ARGENIO: You cycle the fish?

MR. ENDRES: There's 2.8 cycles of produce per year.

MR. ARGENIO: You got this figured out, don't you?

MR. ENDRES: We think we do, two years, I'll answer that question in five years.

MR. ARGENIO: Why is the building the proposed distribution building so close to the property line and the adjacent building which I assume is Pete Belle's catering hall? Two things, is it Pete Belle's catering?

MR. ENDRES: It is.

MR. ARGENIO: Why is it so close?

MR. ENDRES: I think we want it there for access and we're negotiating to be honest with the board with the Belle property right now.

MR. ARGENIO: So you're talking to Pete about buying his property?

MR. ENDRES: Yes.

MR. ARGENIO: Is there any odors from this?

MR. ENDRES: No, all closed.

MR. ARGENIO: She's got that on the paper.

MR. ENDRES: All closed, hands down no odor.

MR. ARGENIO: How do you get there? There's no driveway or road.

MR. ENDRES: There's a perimeter road around the property that needs reinforcement, it's not depicted well here and of course you know Belle's has the new nice parking lot right there.

MR. ARGENIO: It's not, well, it's not what I asked. I asked you how old are you and you said Wednesday. How do you get to the property?

MR. ENDRES: You come up Mt. Airy Road and you make a right turn into the Belle parking lot.

MR. ARGENIO: So you're going through Pete Belle's property?

MR. ENDRES: Right.

MR. ARGENIO: What are the mechanics of that, Dom, landlocked out of piece of property?

MR. CORDISCO: At a minimum we'd need an easement.

MR. ARGENIO: And that doesn't mean a letter from Pete Belle that says this is okay. Love, Pete.

MR. EDSALL: No.

MR. ARGENIO: Don't laugh, we've gotten that before from other applicants.

MR. EDSALL: We have, on bar napkins.

MR. ARGENIO: Have we got gotten stuff like that? I say it's okay. Love, Jimmy. You need to work that out, working with Pete.

MR. ENDRES: We're in the process of working that out.

MR. ARGENIO: Dan, you're mute on this whole thing.

MR. GALLAGHER: Just taking it all in.

MR. SCHLESINGER: Very interesting, it's something new to us.

MR. ENDRES: It's not new to the world, it's thousands of years olds.

MR. SCHLESINGER: We haven't had this type of applicant.

MR. ENDRES: I think you're going to enjoy it, it's existing, it creates a lot of jobs, I think the whole concept of organic closed loop local farming is going to grow, it's a paradigmship (sic.) from macro farms to micro farms.

MR. ARGENIO: Any additional insight from your experiences?

MR. VAN LEEUWEN: I've been in Holland and been through similar setups.

MR. ENDRES: Septic area is right down here, of course since it's closed looped we're using as much septic as one household on a 30 acre parcel.

MR. SCHLESINGER: This is separate from the fish tanks?

MR. ENDRES: Right.

MR. SCHLESINGER: And that captures the residue whatever it is?

MR. ENDRES: Liquid, not solid cause we trap, dry all the solid and bag it and sell it, the liquid is clear water, it's less than 1,000 gallons a day.

MR. ARGENIO: Let me just hit something for a minute guys and follow me on this because I don't know a lot about this because we see a lot of subdivisions in the west end which is typically our AG end of the Town of New Windsor, but what we don't see on this board or at least not in my recent memory are like are agricultural applications where somebody says I want to build a horse farm. Mark, I need you guys to follow me on this, no Pacman.

MR. EDSALL: No Pacman.

MR. ARGENIO: To Dominic and Mark, what special rules are to be applied to this type of agricultural use that are rules and regulations that we're not accustomed to? Cause the first thing I'm asking there's a building use, the septic field, where is the parking, where is this, where is that, but this is an AG district and I know a lot of things don't apply in an AG district. So I know I'm asking a lot of questions but try to boil them down for me.

MR. CORDISCO: That's what Mr. Edsall and I were just speaking about, what's exactly that particular point in regards to their discharge as to whether or not they would need any level of approval from the Department of Health or from DEC. I understand their representation is that it's a closed system but there's still going to be some discharge.

MR. ARGENIO: How do you know that?

MR. CORDISCO: Well, you're going to be flushing toilets, I assume.

MR. ENDRES: I imagine there will be a bathroom for the employees.

MR. EDSALL: No more than 1,000 gallons per day.

MR. ENDRES: Mostly from evaporation, the discharge is combined with the employees flushing the toilet.

MR. EDSALL: Total discharge from the process or the building?

MR. ENDRES: It's 1,000 gallons a day.

MR. EDSALL: Maximum?

MR. ENDRES: Maximum.

MR. EDSALL: What we were discussing on the side here was we believe and we have subject to confirmation that it doesn't fall up to the DEC level and if it's under 1,000 per day on average, it would not require a Department of Health but we still would have to have some type of identification of the system which is in fact one of my bullet comments.

MR. ARGENIO: Okay, let me--

MR. CORDISCO: But in continuing on this point, I'm not aware of any other DEC permits that they would need for this process. But in regards to the agricultural district, it is as I understand it within the agricultural district and the best way I think that you can think of the agricultural district is that zoning still applies but there's a thumb on the scale in favor of an applicant that's proposing to do agricultural within the agricultural district. Now, there's also and so zoning applies, if there's a dispute process between the Department of Agricultural and Markets where they can get involved to see whether or not the zoning requirements are unduly restrictive on an agricultural operation. I don't think that that's being suggested here but at this point, all we have to go on is the fact that our zoning applies to that area so setbacks have to be met.

MR. ARGENIO: Okay, that said, let me take it to the next level, you need to meet zoning but in my world and I've sat up here for 15 years every other Wednesday right now I'd be asking about parking lots and storm water retention and things like that. And I don't see any of that in this plan.

MR. EDSALL: You're right and that's one of the reasons--

MR. ARGENIO: I don't see it in your comments either, Mark.

MR. EDSALL: No, we did talk about access and that's in my comments. I had anticipated that because they were coming through the Belle property that whatever easement may include a parking easement, again, I had already commented then at the workshop relative to the setback of the office distribution building that's raised in my comments relative to compliance with zoning which I wanted to make sure was clarified

tonight. And now it has been, so there are additional items such as access drives, it's likely with agricultural that access drives could be non-pavement, they could be gravel drives which helps out on the storm water end. So again, there's more that they need to give us. Again, this is the first concept review and there are some more things I had in my comments.

MR. ARGENIO: Bill, do you know anything about this?

MR. STEIDLE: No.

MR. ARGENIO: Let me say this to you, sir, on the surface, I'm only one guy, everybody's vote is equal, on the surface, I think it's pretty good, you're pushing all the right buttons. What do you guys think?

MR. SCHLESINGER: Concept wise, yeah.

MR. GALLAGHER: Looks good, looks like a lot to be determined on the acquisition of the Belle's property.

MR. ARGENIO: But you need to do some work here, you need to get us some information here, you need to, you certainly don't meet zoning with the building, you're right on top of the property line so you need to get some things cleaned up here. What do you want from us tonight?

MR. ENDRES: I think we want preliminary concept approval.

MR. ARGENIO: Well, I don't know that we have a specific procedure where we annunciate and memorialize concept approval with this but I think you're getting a feel.

MR. ANDRES: If you saw our full business plan.

MR. ARGENIO: We move in good faith, we don't do

ridiculous flip-flops.

MR. ANDRES: You've been extremely helpful to date, all your employees to be quite frank and if you saw the full business plan and we had two hours you'd see a lot of the issues you're discussing are covered, they're budgeted for, they're being worked out, they're in negotiation. This just isn't the right forum or time to discuss that but it will be discussed at the right time.

MR. ARGENIO: Henry, you know anything about this specifically?

MR. KROLL: Yes, what do you need to know?

MR. ARGENIO: Do you know about this?

MR. KROLL: Yes, I've been working with Harold, he owns the property, Harold Baxter, and he can give him access from any part of the farm so--

MR. ARGENIO: What I want to ask you in say four or five sentences or less this thing here, this whole hydroponic or fish thing whatever, good thing, bad thing, not smelly thing?

MR. KROLL: I think it's a good thing, you create employment, you're keeping open spaces, not supposed to be smelly, supposed to be contained, the maneuver is bagged and taken away.

MR. ANDRES: Quite frankly, fish don't smell and there's a--

MR. ARGENIO: Fish don't smell? I'm going to give you an opportunity to recant that but only one chance.

MR. ANDRES: Not fresh fish, there's a Cabbage Hill existing farm that's in the package I gave you that's

not too far from here, Mt. Kisco, they have tours every other week, it's fantastic, shows a smaller version and that's a not-for-profit do-gooder project, we're taking that and scaling it to the commercial level with some tune-ups from FH dollars.

MR. ARGENIO: What's your involvement?

MR. KROLL: Just helping my brother-in-law.

MR. ARGENIO: Baxter?

MR. KROLL: I live across the street and I like the idea.

MR. ANDRES: He will be the first one to note any smell cause he'll be right there.

MR. SCHLESINGER: I'm sure there's things that we were going to put on the table as far as produce is concerned but you have a building that's proposed, office and distribution, now to me or to a layman, distribution may be we box and we send this out but you're dealing with fish and produce all perishable so your facility has got to be really a production facility also, I mean, I'm assuming that.

MR. ANDRES: You're cleaning lettuce.

MR. SCHLESINGER: You're cleaning fish.

MR. ANDRES: No, we're selling the fish to Hunts Point.

MR. SCHLESINGER: So there's got to be a facility where you take the fish, put them in a tank.

MR. ANDRES: If you have ever seen a fish truck that delivers to a trout pond that truck you pump from.

MR. SCHLESINGER: Some sort of refrigeration, you're

taking produce and you've got to refrigerate it, I'm just thinking about things that are, that we're going to ask you questions about later on down the road when you get a little bit more specific in your plans. That's all I have to say.

MR. ANDRES: We're quite frankly ready to handle those questions now but it's not the right forum.

MR. ARGENIO: Dan or Henry?

MR. GALLAGHER: Not affecting Brown's Pond?

MR. ANDRES: No, no.

MR. ARGENIO: What you need to do and I would strongly encourage you is to get us a real set of plans and that means with the appropriate level of detail, take a copy of Mark's comments. Do you have them with you? Go through his comments, get an appropriate set of plans, get through the workshop, get this thing put together, it's an exciting project, I think at least as I said I'm only one guy here, you certainly have a feel for this.

MR. ANDRES: Thank you very much.

MR. ARGENIO: Anybody got anything else? Motion to adjourn?

MR. GALLAGHER: So moved.

MR. SCHLESINGER: Second it.

ROLL CALL

| | |
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| MR. BROWN | AYE |
| MR. GALLAGHER | AYE |
| MR. VAN LEEUWEN | AYE |
| MR. SCHLESINGER | AYE |

May 12, 2010

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MR. ARGENIO

AYE

Respectfully Submitted By:

Frances Roth
Stenographer

